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STATUTORY INSTRUMENTS

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**2003 No. 417**

**The Protection of Children and Vulnerable  
Adults (Northern Ireland) Order 2003**

**PART III**

**PROTECTION OF VULNERABLE ADULTS**

*Inclusion in list under Article 35*

**Power of other authorities to refer**

- 38.**—(1) A person to whom this Article applies may refer a care worker to the Department if—
- (a) on the basis of evidence obtained by him in the exercise of relevant functions, the person considers that the individual has been guilty of misconduct (whether or not in the course of his employment) which harmed a vulnerable adult or placed a vulnerable adult at risk of harm; and
  - (b) the worker has not been referred to the Department under Article 36 or 37 in respect of the misconduct.
- (2) The persons to whom this Article applies are—
- (a) a person authorised for the purposes of Article 29 of the [Registered Homes \(Northern Ireland\) Order 1992 \(NI 20\)](#);
  - (b) the Nursing and Midwifery Council;
  - (c) the Northern Ireland Social Care Council;
  - (d) any other person designated for the purposes of this Article by an order made by the Department subject to negative resolution.
- (3) In paragraph (1) “relevant functions” means—
- (a) in relation to a person authorised for the purposes of Article 29 of the Registered Homes (Northern Ireland) Order 1992, functions under that Article;
  - (b) in relation to the Nursing and Midwifery Council, functions under Parts III and V of the Nursing and Midwifery Order 2001 ([SI 2002/ 253](#)) (registration and fitness to practise);
  - (c) in relation to the Northern Ireland Social Care Council, functions under sections 3 to 8 of the Health and Personal Social Services Act (Northern Ireland) 2001 ([c. 3](#)) (registration of social workers and social care workers);
  - (d) in relation to a person designated by an order under paragraph (2)(d), such functions as are specified for the purposes of this Article by the order.
- (4) Article 36(4) to (7) shall apply in relation to a reference made by a person under paragraph (1) as it applies in relation to a reference made by a person under Article 36(1).